



Hector De La Torre

News Release

Assembly Member 50th District

For Immediate Release
June 2, 2008

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De La Torre Legislation to Eliminate Discriminatory Language in Property Titles Passes Assembly

Sacramento, Calif. – By a bipartisan vote of 52-24, the Assembly passed Assembly Bill 2204, authored by Assemblymember Hector De La Torre (D - South Gate). AB 2204 will require that discriminatory language be stricken from any deed related to the title of real property.

Currently, restrictive covenants are non-binding provisions imposed by a seller upon a buyer of real property. While some covenants are benign and only intend to preserve some aspect of a property or the property's surrounding environment, others have a dark history. Restrictive covenants restricted the sale of property to members of specific ethnic, religious or other groups.

"It is unbelievable that offensive language it is still allowed to remain in housing documents," said De La Torre. "Although the language is often hidden away, there is no justifiable reason to simply ignore these racist bans as if they do not exist. This legislation will get rid of this antiquated system of allowing discriminatory language to remain in legal papers."

Under current law, homeowners may request that the language be stricken. However, few Californians are aware of this option. In fact, in Sacramento County, only about a dozen owners have made the request to "clean" their deeds.

Assembly Bill 2204 will require county recorders to remove this unnecessary language instead of relying upon complaints being made by an owner. This language must be removed from all copies of documents upon transfer to a new owner of the property.

Assembly Bill 2204 now moves to the Senate for its policy hearings.

Background:

Prior to the *Shelley v. Kraemer* (1948) United States Supreme Court ruling that deemed discriminatory restrictive covenants unenforceable, these provisions were used for segregationist purposes. Although they are now void, these covenants remain in living deed instruments and other documents serving as painful reminders of past practices of a divided California.

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